

## 46 Am. Jur. 2d Judges § 172

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### Judges

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### IX. Disqualification to Act in Particular Case

#### C. Remedies and Procedure

#### 2. Time for Objection

## § 172. Service of information or summons as starting statutory time requirement for objecting to judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  51(2)

### A.L.R. Library

[Time for asserting disqualification of judge, and waiver of disqualification, 73 A.L.R.2d 1238](#)

Under statutes starting the time period in which to request the substitution of a judge from the time the party is served with a summons or information, personal service of an information must be made on the defendant, rather than on counsel, in order to start the time period.<sup>1</sup>

Where multiple defendants are involved, the time period commences from the date service of the summons was complete, rather than from the date the first defendant was served.<sup>2</sup>

### CUMULATIVE SUPPLEMENT

#### Cases:

Husband in proceeding to modify dissolution judgment was entitled to 60 days from service of process to apply for change of judge, where trial judge was designated when modification summons was issued and there was no trial set for modification at time motion for change of judge was filed. [Mo. Sup. Ct. R. 51.05\(b\)](#). [In re Marriage of Speir, 538 S.W.3d 396 \(Mo. Ct. App. S.D. 2018\)](#).

**[END OF SUPPLEMENT]**

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**Footnotes**

- 1 [State ex rel. Dusek v. Eighth Judicial Dist. Court, 2003 MT 303, 318 Mont. 166, 79 P.3d 292 \(2003\)](#).
- 2 [Challinor v. Glacier Nat. Bank, 266 Mont. 396, 880 P.2d 1327 \(1994\)](#).

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